Claims 1-44 are pending.

Claims 1-44 are rejected.

Claims 1, 14, 26, 29, 43, and 44 have been amended.

Claim Objections

Claims 13 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten.

Claim Rejections - 35 U.S.C. § 103

Claims 1-12, 14-30, and 32-44 stand rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,754,938 to Herz et al. (hereinafter "*Herz*"). Applicant respectfully traverses the rejection.

Herz "relates to customized electronic identification of desirable objects, such as news articles, in an electronic media environment, and in particular to a system that automatically constructs both a "target profile" for each target object in the electronic media based, for example, on the frequency with which each word appears in an article relative to its overall frequency of use in all articles, as well as a "target profile interest summary" for each user, which target profile interest summary describes the user's interest level in various types of target objects." *Herz*, Abstract.

Applicants respectfully submit that *Herz* neither teaches nor suggests the present invention. *Herz* col. 6, line 32 - col. 7, line 43 describes determining a target profile for each target object and determining a target profile interest summary for each user. Comparing the target profile interest summary with the target profiles of the objects assists in matching a user with a target object. Thus, the user's own profile is used to ascertain the user's interest in the object.

In claim 1, a method includes "developing a set of master session profiles <u>from a first set of users</u> to determine **product demand** <u>by a second set of users</u>." Thus, rather than the user's own profile being used to ascertain the user's interest in the object, "product demand" in general

is determined by "processing at least a subset of user session data <u>from the second set of users</u> to evaluate the user session data using the master session profiles" and determining product demand from evaluations of the "user session data from the second set of users ... using the master session profiles." The "master session profiles" are developed "from a first set of users". Thus, *Herz* neither teaches nor suggests the present invention of claim 1.

For at least similar reasons, *Herz* neither teaches nor suggests:

Claim 14:

processing at least a subset of collected user session data to evaluate characteristics of the user session data against product demand characteristics derived from a set of master session profiles, wherein the master session profiles include product demand indicators <u>and the master session profiles are developed from a first set of users and the collected user session data is from a second set of users</u>.

Claim 26:

collecting data from multiple user sessions <u>from a first set of users</u> with a world wide web ("Web") site, wherein the user sessions involve selecting a product marketed by the Web site and the collected data includes user navigation data related to selection of a product and Web page data as provided to <u>each of the users in the first set of users</u>;

developing a product demand master profile set from the collected data;

collecting a second set of user session data <u>from a second set of users</u>; and

matching the second set of user session with the master profile set to determine product demand.

Claim 29:

master session profile generation system to develop a set of master session profiles <u>from a first set of users to determine product demand by a second set of users,</u> wherein the master session profiles include product demand indicators; and

a processing engine to process at least a subset of user session data <u>from the second set of users</u> to evaluate the user session data using the master session profiles and determine product demand from the evaluations.

Claim 43:

develop a set of master session profiles <u>from a first set of users to determine</u> <u>product demand by a second set of users</u>, wherein the master session profiles include product demand indicators;

process at least a subset of user session data <u>from the second set of users</u> to evaluate the user session data using the master session profiles; and

determine product demand from the evaluations.

Claim 44:

means for developing a set of master session profiles <u>from a first set of users to</u> <u>determine product demand by a second set of users</u>, wherein the master session profiles include product demand indicators;

means for processing at least a subset of user session data <u>from the second set of</u> <u>users</u> to evaluate the user session data using the master session profiles; and

means for determining product demand from the evaluations.

Additionally, <u>Applicants respectfully submit that a clear distinction exists between the</u> <u>"target profiles" taught by *Herz* and the "master session profiles" of claims 1, 14, 26, 29, 43, and</u> <u>44 of the Present Application</u>. Accordingly, for at least this reason, Applicants respectfully submit that *Herz* neither teaches nor suggests the present invention of claims 1, 14, 26, 29, 43, and 44 and claims directly or indirectly dependent thereon.

Herz teaches that "[s]ellers submit profiles of the goods (target objects) they want to sell, and buyers submit profiles of the goods (target objects) they want to buy." *Herz*, col. 17, lines 1-3. *Herz* teaches that "the system stores (or has the ability to reconstruct) several pieces of information about each target object." *Id.*, col. 9, lines 63-65. "These pieces of information are termed "attributes": collectively, they are said to form a profile of the target object, or a "target profile." *Id.*, lines 65-67.

In the context of identifying movies of interest, *Herz* in col. 10, lines 5-18 provides examples of values of such attributes that form a 'target profile':

        (a.) title of movie,

        (b.) name of director,

(c.) Motion Picture Association of America (MTAA) child-appropriateness rating (0=G, 1=PG, . . .),

(d.) date of release,

(e.) number of stars granted by a particular critic,

(f.) number of stars granted by a second critic,

(g.) number of stars granted by a third critic,

(h.). full text of review by the third critic,

(i.). list of customers who have previously rented this movie,

(j.) list of actors.

(See also, for example, col. 10, line 61-col. 12, line 45).

Herz also teaches using "attributes" to profile users. Id., col. 20, lines 25-32. Herz further teaches comparing user profiles and target profiles to estimate interest in the target objects by the users. Id., col. 25, lines 2-65.

Applicants respectfully submit that since the "target profiles" of Herz are merely a collection of prestored 'attributes of target objects" submitted by a buyer and/or seller, the target profiles and operations relating thereto as taught by Herz are clearly not related to "master session profiles" as recited in claims 1, 14, 26, 29, 43, and 44 and claims directly or indirectly dependent thereon. Accordingly, Herz neither teaches nor suggests the present invention of claims 1, 14, 26, 29, and 44 as previously quoted.

Herz does teach using passive feedback. "In passive feedback, the system infers the user's interest from the user's behavior." Herz, col. 17, lines 28-30. However, regarding passive feedback in col. 17, line 28-col. 18, line 12, Herz teaches that "assessing interest in a document via passive feedback" involves using a "formula" for assessing interest as opposed to using "master session profiles" of claims 1, 14, 26, 29, 43, and 44.

For at least the foregoing reasons, Applicants respectfully submit that Herz neither teaches nor suggests the present invention of claims 1, 14, 26, 29, 43, and 44 and claims directly or indirectly dependent thereon.

Accordingly, Applicants respectfully request withdrawal of the rejection.

Claims 11, 24, and 41.

Additionally, since *Herz* neither teaches nor suggests the present invention of claims 1, 14, 26, 29, 43, and 44 *Herz* cannot teach nor suggest the present invention of claims directly or indirectly dependent on claims 1, 14, 26, 29, 43, and 44, Applicants respectfully point out distinctions in claims 11, 24, and 41 that are neither taught nor suggested by *Herz*.

Claims 11, 24, and 41 recite that "the user session data includes data types associated with each users navigation of the network site during configuration of a product." The Office Action states that *Herz* teaches or suggests claims 11, 24, and 41 in col. 7, lines 9-60. *Herz* teaches that:

> Browsing provides an alternate method of selecting a small subset of a large number of target objects, such as articles. Articles are organized so that users can actively navigate among groups of articles by moving from one group to a larger, more general group, to a smaller, more specific group, or to a closely related group. Each individual article forms a one-member group of its own, so that the user can navigate to and from individual article s as well as larger groups. *Herz*, col. 7, lines 27-35.

Applicants respectfully submit that navigating between different sizes of groups of articles is not "configuration of a product" and, thus, *Herz* neither teaches nor suggests that "the user session data includes data types associated with each users navigation of the network site during configuration of a product" as required by claims 11, 24, and 41.

Although Applicants have specifically pointed out distinctions between the teachings and suggestions of *Herz* and claims 11, 24, and 41, Applicants do not admit that the individual features of the remaining dependent claims are taught or suggested by *Herz*.

CONCLUSION

Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

Respectfully submitted,

CERTIFICATE OF TRANSMISSION
I hereby certify that on February 10, 2010 this correspondence is being transmitted via the U.S. Patent & Trademark Office's electronic filing system.
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